

**IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

ANTHONY MAURICE DAVIS,)
Register No. 1115675,)
Plaintiff,)
v.) No. 05-4066-CV-C-NKL
JANET EXENDINE,)
Defendant.)

ORDER

On June 15, 2006, the United States Magistrate Judge recommended dismissing plaintiff's claims. The parties were advised they could file written exceptions to the recommendation, pursuant to 28 U.S.C. § 636(b)(1)(C). No exceptions have been filed.

A review of the record convinces the court that the recommendation of the Magistrate Judge is correct and should be adopted.

Inmates who file an appeal with the United States Court of Appeals for the Eighth Circuit are required to pay the full \$455.00 appellate filing fee, regardless of the outcome of the appeal. Henderson v. Norris, 129 F.3d 481, 484 (8th Cir. 1997). The filing of a notice of appeal is considered a consent by the inmate to allow prison officials to deduct an initial partial appellate filing fee and later installments from the prisoner's account.

IT IS, THEREFORE, ORDERED that the Magistrate Judge's June 15, 2006 Report and Recommendation is adopted [28]. It is further

ORDERED that defendant's motion for summary judgment is granted, or alternatively, plaintiff's claims are dismissed under Fed. R. Civ. P. 41(b) for failure to prosecute [23].

/s/
NANETTE K. LAUGHREY
United States District Judge

Dated: July 28, 2006
Jefferson City, Missouri